

#4 9-24-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 20 2001

In re application of:

Steve Sheppard *et al.*

Serial No. 09/526,100

Filed: March 15, 2000

For: Optical Conversion Device

Group Art: 2756

Technology Center 2100

Examiner: Unassigned

Attorney Docket: 25684.113.US

**Revocation of Prior Power of Attorney and
Appointment of New Attorneys of Record**Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Next Level Communications is the assignee of the entire right, title and interest in the above-captioned application by virtue of the attached assignment, recorded on March 15, 2000 at the U.S. Patent and Trademark Office at Reel 010681, Frame 0468. The undersigned, having express authority to represent Next Level Communications, hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints the attorneys listed below with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Paul J. Berman, Reg. No. 36,744
Jeannie M. Perron, Reg. No. 31,180
Richard P. Dulik, Reg. No. 40,598
Grady L. White, Reg. No. 40,874Andrea G. Reister, Reg. No. 36,253
Thomas W. Krause, Reg. No. 40,335
Ann O. McGeehan, Reg. No. 45,839
Henry P. Ting, Reg. No. 46,278

Please address future correspondence to

Patent Docketing
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

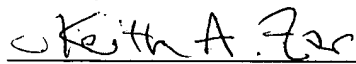
Direct Phone calls to Henry P. Ting at (202.662.6000).

FOR: **Next Level Communications**

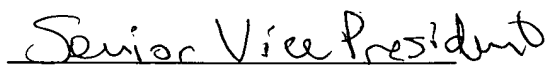
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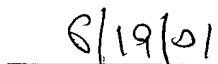
BY: _____

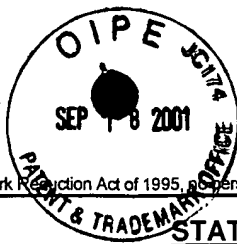


TITLE: _____



DATE: _____





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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Steve Sheppard, et al.

Application No./Patent No.: 09/526,100

Filed/Issue Date: March 15, 2000

Entitled: OPTICAL CONVERSION DEVICE

NEXT LEVEL COMMUNICATIONS

(Name of Assignee)

, a

corporation

Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010681, Frame 0468, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

6/19/01
Date

Keith A. Zar
Typed or printed name

[Signature]
Signature

Senior Vice President
Title

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Technology Center 2100

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR(S) of the sum of One Dollar (\$1.00) and for other good and valuable consideration, the receipt of which is hereby acknowledged,

ASSIGNOR(S):

| Name | Address |
|----------------|---|
| Steve Sheppard | 7170 Lynch Road, Sebastopol, California 95472 |
| A. J. McInnis | 3709 Espresso Court, Santa Rosa, California 95403 |

hereby sells, assigns and transfers to

ASSIGNEE:

| Name | Address |
|---------------------------|---|
| NEXT LEVEL COMMUNICATIONS | 6085 State Farm Drive Rohnert Park, California 94928 |

and the successors, assigns and legal representatives of the ASSIGNEE, the entire right, title and interest for the United States and its territorial possessions, and in all foreign countries, including all rights to claim priority, in and to the invention entitled:

OPTICAL CONVERSION DEVICE

Invented by Steve Sheppard and A. J. McInnis [INVENTOR(S)] and which is found in

- ☒ the U.S. patent application executed on even date herewith;
☐ the U.S. patent application executed on _____;
☐ the U.S. patent application no. _____, filed on _____;
☐ the U.S. patent no. _____ issued on _____;

and, in and to all Letters Patent, both foreign and domestic, to be obtained for said invention by the above application or any continuation, division, renewal, continuation-in-part or substitute thereof, and as to Letters Patent and any reissue or re-examination thereof, and to any legal equivalent thereof in a foreign country, including, the right to apply for patents and inventor certificates in respect thereof, the right to claim priority, and all patents, patents of addition, utility models, patents of importation, revalidation patents and inventor certificates which may be granted throughout the world in respect of the invention.

ASSIGNOR(S) hereby authorizes ASSIGNEE or its legal representative to insert in this instrument the filing date and serial number of said application or any other information that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for the recordation of this document.

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR(S) further covenants and agrees that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR(S), and that ASSIGNOR(S) will, at ASSIGNEE's expense, testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE, its assigns or its legal representatives, without further or additional consideration, any and all papers, instruments or affidavits required, render all necessary assistance, and do such additional acts as ASSIGNEE may deem necessary or desirable, to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

ASSIGNOR(S) hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent referred to above to ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE's sole use and benefit, and for the use and benefit of ASSIGNEE's legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR(S) had this assignment and sale not been made.

The parties agree that the foregoing covenants and obligations shall bind and inure to the benefit of the heirs, assigns and legal representatives of both parties.

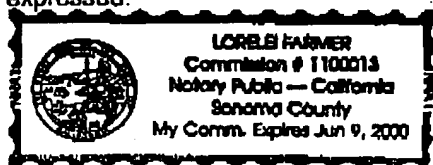
Name: Steve Sheppard

Steve Sheppard
Signature

Date: 3/14/00

State of California
County of Sanoma

Before me this 14th day of March, 19 ²⁰00, personally appeared the above named individual, to me known to be the person who is described in, and who executed the foregoing instrument and acknowledged to me that ~~he/she~~ executed the same of ~~his/her~~ own free will for the purposes therein expressed.



Lorelei Farmer
Notary Public

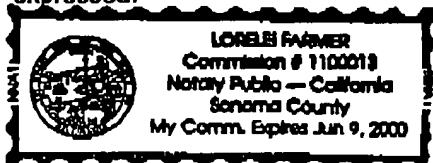
Name: A. J. McInnis

AJ McInnis
Signature

Date: 13 Mar, 2000

State of California
County of Sanoma

Before me this 13th day of March, 19 ²⁰00, personally appeared the above named individual, to me known to be the person who is described in, and who executed the foregoing instrument and acknowledged to me that ~~he/she~~ executed the same of ~~his/her~~ own free will for the purposes therein expressed.



Lorelei Farmer
Notary Public

Name:

Signature

Date: _____

State of _____
County of _____

Before me this _____ day of _____, 19____, personally appeared the above named individual, to me known to be the person who is described in, and who executed the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes therein expressed.

Notary Public